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In re Application of	:	
Yoshihiko FUNAKOSHI, et al	:	DECISION ON
Application No.: 09/926,811	:	
PCT No.: PCT/JP01/02420	:	
Int. Filing Date: 26 March 2001	:	PETITION UNDER
Priority Date: 25 April 2000	:	
Attorney Docket No.: 217206US3PCT	:	
For: RADIOACTIVE SUBSTANCE CONTAINER,	:	37 CFR 1.181
... METHOD THEREOF	:	

This decision is in response to the "RESPONSE" received 13 January 2003, which is being treated as a petition under 37 CFR 1.181 requesting acceptance of a copy of the Combined Declaration which is believed to be proper as each Declaration indicates all of the inventors submitted as filed in the USPTO on 01 July 2002. Applicants have submitted, inter alia, a copy of the 01 July 2002 PTO stamped itemized postcard receipt. The itemized postcard lists, inter alia, the following item: New Declaration (10 Pages).

BACKGROUND

In a communication from this Office on 13 November 2002, the response to the Notice to file Missing Requirements filed on 01 July 2002 was sufficient but the application could not entered the national stage at that time. The communication indicated that the Combined Declarations and Power of Attorney submitted on 22 March 2002 was defective because the Declarations were incomplete as to identifying each inventor. As a result the Combined Declarations did not comply with 37 CFR 1.63.

On 13 January 2003, applicant submitted the instant petition.

DISCUSSION

Applicant's present petition accompanied by a copy of the following documents, filed purportedly with the PTO as indicated in the stamped postcard:

- (1) Response to Notice of Missing Requirement Under 37 U.S.C. 371
- (2) Copy of Notification of Defective Response
- (3) Declaration of Yoshiharu TAURA

(4) New Declaration (10 pages)

The postcard lists the above items and bears a USPTO date of stamp as 01 July 2002.

MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicant's postcard is accepted as *prima facie* that the Combined Declarations and Power of Attorney were deposited with the U.S. Patent and Trademark Office on 01 July 2002.

Accordingly, the date of receipt for the Combined Declarations and Power of Attorney is 01 July 2002 and each Declaration is complete since each indicates all of the inventors. Thus, the Combine Declaration complies with 37 CFR 1.63

DECISION

The petition under 37 CFR 1.181 is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision, that is, for issuance of a Notification of Acceptance of Application (Form PCT/DO/EO/903) identifying a 35 U.S.C. § 371 date of **01 July 2002**.



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